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MINUTES OF THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

FILED

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*Stratman v. Babbitt*  
Case No. A76-0132 CV (JKS)

FILED  
DISTRICT OF ALASKA

By: THE HONORABLE JAMES K. SINGLETON  
Deputy Clerk: Patty Demeter, Case Management: 271-3235\*

PROCEEDINGS: ORDER FROM CHAMBERS

There are two pending motions, the pendency of which prevent remand of this case in conformity with the Orders at Docket Nos. 292 and 298. Docket Nos. 295 & 300; *see also* Docket Nos. 302-08. At Docket No. 300, Koniag, Inc. seeks a certification for immediate appeal. *See, e.g.*, 28 U.S.C. § 1292. Stratman requests a status conference but actually wishes to reargue its position that this Court should not remand certain issues to the agency, but rather, should resolve them here. Docket No. 295. It is unfortunate that a case with a 1976 docket number is still pending. Stratman fears that agency action, like a tree to be grown from a seed, takes much time. The Court agrees. We had best plant the seed so that the tree can begin to grow. An interlocutory appeal would not speed the termination of this litigation. The parties have already been to the circuit and back. The agency should address the statutes and regulations in the first instance.

IT IS THEREFORE ORDERED:

The motions at Docket Nos. 295 and 300 are DENIED. The Clerk shall enter judgment remanding this case to the IBLA to determine once and for all if Lesnois is a phantom village. *See* Order at Docket No. 292.

Entered at the direction of the Honorable James K. Singleton, United States District Court Judge, by Ardel Burritt, secretary to Judge Singleton.

DATE: November 20, 1995

SECRETARY'S INITIALS: ab

\* ALL INQUIRIES REGARDING THE SCHEDULING OR CALENDARING OF THIS CASE SHOULD BE DIRECTED TO THE ABOVE INDICATED CASE MANAGER.

Any request for other information or for clarification, modification, or reconsideration of this order, or for extension of time must be made in the form of a motion. *See* FED. R. CIV. PROC. 7(b)(1); D. Ak. LR 7.1(l). No one should telephone, fax, or write to chambers regarding pending cases. The Judge's secretary and law clerks are not permitted to discuss any aspect of this case, provide any information, or communicate with any person, including litigants, lawyers, witnesses, and the general public regarding pending cases.